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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,174	04/19/2001	Yoshiki Yasuda	1247-0441P	8418

2292 7590 10/15/2002
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EXAMINER

SOHN, SEUNG C

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/837,174	YASUDA, YOSHIKI
	Examiner	Art Unit
	Seung C. Sohn	2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 July 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 24 July 2002 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. *Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshio et al. (Patent No. JP 9,199,756).*

Referring to claim 1, Toshio et al. shows in Fig. 1(a) the following elements of Applicant's claim:

- a) an input section having a plurality of light emitting elements (2A) and lead terminals (1) for supplying a drive current to the light emitting elements (Paragraph 0025); and
- b) an output section having a light receiving element (11) opposed to light emitting faces of the light emitting elements and lead terminals (10) for supplying a drive current to the light receiving element, wherein the plurality of light emitting elements are connected in series (Paragraph 0026).

Referring to claim 2, Toshio et al. shows in Fig. 2 that the plurality of light emitting elements are connected in series via a plurality of headers (2c, i.e., aluminum pattern) (Paragraph 0031).

Referring to claim 3, Toshio et al. shows in Fig. 8 at least one of the plurality of headers is provided with two light emitting elements (Paragraph 0048).

Referring to claim 4, Toshio et al. shows in Fig. 8 structures of the two light emitting elements are different from each other (Paragraph 0030).

Referring to claim 5, Toshio et al. shows in Fig. 8 at least one of the plurality of headers is a dummy header (82 or 85) (Paragraph 0054).

Referring to claim 6, Toshio et al. shows in Fig. 8 the dummy header is lead-cut from a lead frame inside a package which covers and protects the light emitting elements and the light receiving element (Paragraph 0054).

Referring to claim 7, Toshio et al. shows in Fig. 8 the dummy header is lead-cut from a lead frame outside a package which covers and protects the light emitting elements and the light receiving element. (Paragraph 0055)

Referring to claim 8, Toshio et al. shows in Fig. 1(a) the following steps of Applicant's claim:

- a) forming an input section having a plurality of light emitting elements (2A) and lead terminals (1) for supplying a drive current to the light emitting elements Paragraph 0025) and an output section having a light receiving element (11) opposed to light emitting faces of the light emitting elements and lead terminals (10) for supplying a drive current to the light receiving element (Paragraphs 0025 and 0026); and
- b) connecting the plurality of light emitting elements in series via a plurality of headers (2c), at least one of the plurality of headers being a dummy header;

and tie-bar cutting and lead cutting the dummy header at the same time (Paragraph 0031).

Referring to claim 9, Toshio et al. shows in Fig. 8 a lead-cut portion of the dummy header is disposed in the vicinity of a tie-bar cut portion (Paragraph 0032).

Referring to claim 10, Toshio et al. shows in Fig. 1(a) the following steps of Applicant's claim:

a) forming an input section having a plurality of light emitting elements (2A) and lead terminals (1) for supplying a drive current to the light emitting elements and an output section having a light receiving element (11) opposed to light emitting faces of the light emitting elements and lead terminals (10) for supplying a drive current to the light receiving element (Paragraph 0025 and 0026); and

b) connecting the plurality of light emitting elements in series via a plurality of headers (2c), at least one of the plurality of headers being a dummy header, wherein a lead frame is used in which the dummy header is connected to a header of another channel adjacent to the dummy header via a connecting member (Paragraph 0031 and 0032).

Response to Arguments

2. Applicant's arguments filed July 24, 2002 have been fully considered but they are not persuasive.

Art Unit: 2878

Applicant argues that Toshio et al. does not teach a light receiving element being "opposed" to light emitting faces of the light emitting elements. However, the examiner disagrees the argument. The word "oppose" is defined by Webster's dictionary as "to place opposite or against something". Toshio et al., based on the definition by the dictionary, clearly shows in Fig. 1 a light receiving element (11) being opposed to light emitting faces of the light emitting elements (2A). It should be noted that it is the claims that define the claimed invention, and it is the claims, not the specification, that are anticipated or unpatentable.

Conclusion

3. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2878

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung C. Sohn whose telephone number is (703) 308-4093. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703) 308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SCS

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October 8, 2002


Kevin Pyo
Primary Examiner